

**IN UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>RLI INSURANCE COMPANY</b>	:	<b>Civil Action No. 1:14cv802</b>
<b>Plaintiff,</b>	:	<b>Judge: Timothy S. Black</b>
<b>Vs.</b>	:	<b>Magistrate: Stephanie K. Bowman</b>
<b>FIFTH THIRD BANCORP</b>	:	
<b>Defendant.</b>	:	
<b>FIFTH THIRD BANCORP, et al.,</b>	:	<b>Case No. 1:14-cv-00869</b>
<b>Plaintiff,</b>	:	<b>Judge: Timothy S. Black</b>
<b>Vs.</b>	:	<b>Magistrate: Stephanie K. Bowman</b>
<b>CERTAIN UNDERWRITERS AT LLOYD'S SUBSCRIBING TO POLICY B0509QA048710, B0509QA051310, 81906760, ET AL.,</b>	:	
<b>Defendants.</b>	:	

**UNOPPOSED MOTION FOR LEAVE TO FILE RLI'S REPLY IN SUPPORT OF  
MOTION TO STRIKE BRIAN KELLEY'S EXPERT DISCLOSURE UNDER SEAL**

RLI Insurance Company respectfully moves to for leave to file its reply in support of its motion to strike Fifth Third Bancorp's expert disclosure under seal and in support thereof, states as follows:

1. On January 31, 2017, Fifth Third served an expert disclosure by Brian Kelley.
2. RLI moved strike this disclosure and bar Fifth Third Bancorp from relying upon Mr. Kelley's opinions or calling him to testify because (1) it failed to timely disclose his opinions pursuant to the Scheduling Order, providing them after agreed deadlines and at the close of expert discovery -- thereby precluding RLI from offering a responsive expert and/or

supplementing its prior disclosures to address the Mr. Kelley's novel opinions; and (2) Mr. Kelley seeks to offer inadmissible opinions and testimony.

3. RLI's intended reply brief includes quotations from Kelley's opinion – which Fifth Third claims as confidential by Fifth Third pursuant to the Stipulated Protective Order.

4. Pursuant to the Stipulated Protective Order, any party wishing to file any document marked "confidential" must file the document under seal, and must redact references to confidential information from any court filings. (Dkt. 39, Para. 10).

5. RLI proposes to file a redacted copy of its reply (removing the specific references to confidential information), along with any non-confidential exhibits. It requests leave to simultaneously file a full, unredacted copy of its response (along with the specific documents marked confidential) under seal.

6. Fifth Third did not oppose the court granting RLI leave to file its motion under seal and does not oppose this motion..

WHEREFORE, RLI Insurance Company respectfully request the Court to grant RLI leave to file its reply in support motion to Motion To Strike Fifth Third Bancorp's Expert Disclosure under seal and for any other relief the court deems necessary and appropriate.

Dated: March 25, 2017

RESPECTFULLY SUBMITTED,

/s/ Scott Schmookler  
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## CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2017, a copy of the foregoing motion was filed electronically. Notice of this filing will be served on all parties of record by operation of the Court's electronic filing system:

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/s/ *Scott L. Schmookler*  
**Scott L. Schmookler**

*RLI Insurance Company*